

APPEAL NO. 022416
FILED NOVEMBER 4, 2002

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on June 26, 2002. The hearing officer determined that the appellant (claimant) had an injury but no disability. This decision was apparently affirmed through appeal.

The claimant has appealed the award of attorney's fees to her previous attorney. She says that he deserves no fees at all because he didn't obtain benefits for her. There is no response from the attorney or the respondent (carrier).

DECISION

We affirm the award of attorney's fees.

The claimant has not pointed to any specific service that she states was not rendered in the period from July 6 through August 23, 2002. All requested and approved fees were within guidelines set out in applicable rules of the Texas Workers' Compensation Commission.

Entitlement to a fee is not based upon whether the claimant ultimately wins the case. There being no grounds upon which we can find an abuse of discretion in the approval of the fees, we affirm the order for attorney's fees. We note, however, that fees may only be paid out of a claimant's recovery.

The true corporate name of the insurance carrier is **LUMBERMENS MUTUAL CASUALTY COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
800 BRAZOS
AUSTIN, TEXAS 78701.**

Susan M. Kelley
Appeals Judge

CONCUR:

Michael B. McShane
Appeals Judge

Margaret L. Turner
Appeals Judge